

## § 384.212

unless such person first surrenders the driver's license issued by such other State or jurisdiction in accordance with §§ 383.71(a)(7) and (b)(4) of this title.

### § 384.212 Domicile requirement.

(a) The State shall issue CDLs only to those persons for whom such State is the State of domicile as defined in § 383.5 of this title; except that the State may issue a nonresident CDL under the conditions specified in §§ 383.23(b), 383.71(e), and 383.73(e) of this title.

(b) The State shall require any person holding a CDL issued by another State to apply for a transfer CDL from the State within 30 days after establishing domicile in the State, as specified in § 383.71(b) of this title.

### § 384.213 Penalties for driving without a proper CDL.

The State shall impose civil and criminal penalties for operating a CMV while not possessing a CDL that is valid for the type of CMV being driven; while having a driver's license suspended, revoked, or canceled; or while being disqualified from operating a CMV. In determining the appropriateness of such penalties, the State shall consider their effectiveness in deterring this type of violation. The State shall impose penalties on CMV drivers that are at least as stringent as those imposed on noncommercial drivers for the same or analogous offenses.

### § 384.214 Reciprocity.

The State shall allow any person to operate a CMV in the State who is not disqualified from operating a CMV and who holds a CDL which is—

(a) Issued to him or her by any other State or jurisdiction in accordance with part 383 of this title;

(b) Not suspended, revoked, or canceled; and

(c) Valid, under the terms of part 383, subpart F, of this title, for the type of vehicle being driven.

### § 384.215 First offenses.

(a) *General rule.* The State shall disqualify from operating a CMV each person who is convicted, as defined in § 383.5 of this title, in any State or ju-

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risisdiction, of a disqualifying offense specified in § 383.51(b)(2) (i) through (iv) of this title, for no less than one year.

(b) *Special rule for hazardous materials offenses.* If the offense under paragraph (a) of this section occurred while the driver was operating a vehicle transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act (implementing regulations at 49 CFR 177.823), the State shall disqualify the person for no less than three years.

### § 384.216 Second offenses.

(a) *General rule.* The State shall disqualify for life from operating a CMV each person who is convicted, as defined in § 383.5 of this title, in any State or jurisdiction, of a subsequent offense as described in § 383.51(b)(3)(iv) of this title.

(b) *Special rule for certain lifetime disqualifications.* The State where the disqualified driver resides after 10 years of disqualification have elapsed may reduce the lifetime disqualification of a person disqualified for life under § 383.51(b)(3)(iv) of this title, to a minimum of ten years in accordance with § 383.51(b)(3)(v) of this title.

### § 384.217 Drug offenses.

The State shall disqualify from operating a CMV for life each person who is convicted, as defined in § 383.5 of this title, in any State or jurisdiction, of using a CMV in the commission of a felony described in §§ 383.51(b)(2)(v) and 383.51(b)(3)(iii) of this title. The State shall not apply the special rule in § 384.216(b) to lifetime disqualifications imposed for controlled substance felonies as detailed in §§ 383.51(b)(2)(v) and 383.51(b)(3)(iii) of this title.

### § 384.218 Second serious traffic violation.

The State shall disqualify from operating a CMV for a period of not less than 60 days each person who, in a three-year period, is convicted, as defined in § 383.5 of this title, in any State(s) or jurisdiction(s), of two serious traffic violations involving a CMV operated by such person, as specified in §§ 383.51(c)(1) and 383.51(c)(2)(i) of this title.